

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

STEPHEN BARRINGER, an individual,	)	CIVIL DIVISION
	)	
Plaintiff,	)	Civil Action No.: 2:13-CV-00528-JFC
	)	
v.	)	
	)	
LESTER FRISCHMAN, an individual; and	)	
DAVID M. FRISCHMAN, an individual,	)	
collectively t/d/b/a BEST BUY UNIFORMS,	)	
and collectively t/d/b/a COMMERCIAL	)	<b>JURY TRIAL DEMANDED</b>
TEXTILES and COMMERCIAL TEXTILES,	)	
INC., a Pennsylvania Corporation, t/d/b/a	)	
COMMERCIAL TEXTILES,	)	
	)	
Defendants.	)	

**JOINT MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT AND RELEASE  
AND DISMISSAL WITH PREJUDICE**

Plaintiff, by counsel, and the Defendants, by counsel, hereby jointly move for the approval of a settlement agreement and the dismissal of this action with prejudice. The grounds for this Joint Motion are as follows:

1. This is an action for alleged unpaid minimum wages and overtime compensation under the Fair Labor Standards Act, the Pennsylvania Minimum Wage Act, and the Pennsylvania Wage Payment Collection Law in connection with certain website and computer services performed by the Plaintiff for Defendants. Plaintiff also claims that the Defendants retaliated against him, in violation of the Fair Labor Standards Act and the public policy of Pennsylvania, for asserting his claims under the Fair Labor Standards Act, the Pennsylvania Minimum Wage Act, and the Pennsylvania Wage Payment Collection Law.

2. Plaintiff claims to have been an employee of Defendants and Defendants claim that Plaintiff, at all times, was an independent contractor whose services it ceased to use for legitimate nondiscriminatory reasons.
3. The parties have engaged in significant discovery since shortly after the case was filed and the matter has been submitted to mediation on two (2) occasions.
4. Both parties deny all of the allegations made by the opposing parties in both cases and any resulting liability to the other party. Nevertheless, the parties have agreed to resolve this case and the companion case pending in the Court of Common Pleas of Allegheny County in which certain of the Defendants have brought claims against Plaintiff for the alleged improper use of and access to their websites and the funds he received from such activity.
5. The parties have agreed that Defendants will compensate the Plaintiff by paying him and his attorneys a sum, which when the amount claimed by Defendants in the companion litigation is considered, is a fair representation of the claims of Plaintiff in this matter for unpaid minimum wage, overtime, liquidated damages, retaliatory termination and attorney's fees; especially considering the chances of success and risks of loss in both cases. Additionally, Defendants have agreed to dismiss with prejudice their action against Plaintiff pending in the Court of Common Pleas of Allegheny County.
6. The parties, in both actions have agreed to be responsible for their own attorney's fees, except for the payment to Plaintiff's attorneys set forth in Paragraph 5 above.

7. All parties are represented by counsel experienced in litigation under the Fair Labor Standards Act, Pennsylvania Minimum Wage Act, the Pennsylvania Wage Payment Collection Law and the public policy of Pennsylvania.
8. Accordingly, the parties jointly move for the approval of the settlement of this matter and the dismissal of this action with prejudice.

Respectfully submitted,

/s/ Martin J. Saunders

Martin J. Saunders, PA # 19940  
Steptoe & Johnson PLLC  
11 Grandview Circle, Suite 200  
Canonsburg, PA 15317  
(724) 873-3176

Julie A. Arbore, PA # 307267  
1085 Van Voorhis Road, Suite 400  
Morgantown, WV 26507  
(304) 598-8137

*Attorneys for DAVID M. FRISCHMAN, an  
individual, collectively t/d/b/a BEST BUY  
UNIFORMS, and collectively t/d/b/a  
COMMERCIAL TEXTILES and  
COMMERCIAL TEXTILES, INC., a  
Pennsylvania Corporation, t/d/b/a  
COMMERCIAL TEXTILES*

STEPHEN BARRINGER

**By Counsel**

/s/ Edward J. Feinstein

Ed Feinstein, PA # 29718  
Feinstein Doyle Payne & Kravec, LLC  
429 Forbes Avenue  
Allegheny Building, 17<sup>th</sup> Floor  
Pittsburgh, PA 15219  
(412) 281-1007

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

STEPHEN BARRINGER, an individual,	)	CIVIL DIVISION
	)	
Plaintiff,	)	Civil Action No.: 2:13-CV-00528-JFC
	)	
v.	)	
	)	
LESTER FRISCHMAN, an individual; and	)	
DAVID M. FRISCHMAN, an individual,	)	
collectively t/d/b/a BEST BUY UNIFORMS,	)	
and collectively t/d/b/a COMMERCIAL	)	
TEXTILES and COMMERCIAL TEXTILES,	)	
INC., a Pennsylvania Corporation, t/d/b/a	)	
COMMERCIAL TEXTILES,	)	
	)	
Defendants.	)	

**ORDER APPROVING AGREEMENT AND GENERAL RELEASE AND DISMISSING  
ACTION WITH PREJUDICE**

The parties have agreed to compromise and settle the disputed claims the Plaintiff set forth in his several Complaints and have agreed to the terms of an Agreement and General Release pursuant to which the Defendant shall pay the Plaintiff a stipulated amount for alleged unpaid minimum wage, unpaid overtime, retaliatory termination, liquidated damages, and attorney's fees. Additionally, the Defendants have agreed to dismiss with prejudice their action against Plaintiff pending in the Court of Common Pleas of Allegheny County. I reviewed the proposed Agreement and General Release between the parties, and considered the fairness of the settlement of the parties, the disputed nature of the claims and the cost and expense of both parties of pursuing such claims, and I have determined, in light of the foregoing, that the settlement is a fair and reasonable resolution of a bona fide dispute over the provisions and applications of the Fair Labor Standards Act, 29 U.S.C. § 201 etc., The Pennsylvania Minimum Wage Act, 43 P.S. § 333.101, The Pennsylvania Wage Payment and Collection Law, 43 P.S. §

260.1 and the public policy of the Commonwealth of Pennsylvania. It is, therefore, hereby ORDERED that the Agreement and General Release between the parties is approved and that the instant action is dismissed with prejudice by the Court.

BY THE COURT

\_\_\_\_\_.J.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

STEPHEN BARRINGER, an individual,	)	CIVIL DIVISION
	)	
Plaintiff,	)	Civil Action No.: 2:13-CV-00528-JFC
	)	
v.	)	
	)	
LESTER FRISCHMAN, an individual; and	)	
DAVID M. FRISCHMAN, an individual,	)	
collectively t/d/b/a BEST BUY UNIFORMS,	)	
and collectively t/d/b/a COMMERCIAL	)	
TEXTILES and COMMERCIAL TEXTILES,	)	
INC., a Pennsylvania Corporation, t/d/b/a	)	
COMMERCIAL TEXTILES,	)	
	)	
Defendants.	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on the 19 day of February, 2014, I served the foregoing ***JOINT MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT AND DISMISSAL WITH PREJUDICE***, upon the following counsel of record via first class mail:

*Edward J. Feinstein  
Feinstein Doyle Payne & Kravec, LLC  
429 Forbes Avenue  
Allegheny Building, 17<sup>th</sup> Floor  
Pittsburgh, PA 15219  
Counsel for Plaintiff*

*Theresa L. Wasser, Esquire  
1240 Firwood Drive  
Pittsburgh, PA 15243  
Counsel for Plaintiff*

/s/ Martin J. Saunders  
Martin J. Saunders, Esq.